

**BEFORE THE  
DIRECTOR OF THE OFFICE OF REAL ESTATE APPRAISERS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**JAMES M. AMEN**  
5 Pebble Trail Court  
Sacramento, CA 95826

Real Estate Appraiser  
License No. AR038300

Case No. C090225-01  
Case No. C090616-07  
Case No. C090728-11

Respondent.

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Director of the Office of Real Estate Appraisers, as its Decision in this matter.

This Decision shall become effective on 02/03/2012.

It is so ORDERED 02/03/2012.

***Original Signed***

\_\_\_\_\_  
FOR THE DIRECTOR OF THE OFFICE OF REAL  
ESTATE APPRAISERS

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
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Deputy Attorney General  
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7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **DIRECTOR OF THE OFFICE OF REAL ESTATE APPRAISERS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 **JAMES M. AMEN**  
5 Pebble Trail Court  
13 Sacramento, CA 95826

14 Real Estate Appraiser  
License No. AR038300

15  
16 Respondent.

Case No. C090225-01  
Case No. C090616-07  
Case No. C090728-11

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

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18 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties in this  
19 proceeding that the following matters are true:

20 **PARTIES**

- 21 1. Elizabeth Seaters, acting on behalf the Office of Real Estate Appraisers  
22 ("Complainant") brought the Accusation solely in her official capacity as a Supervising Property  
23 Appraiser Investigator for Complainant and is represented in this matter by Kamala D. Harris,  
24 Attorney General of the State of California, by Leslie A. Burgermyer, Deputy Attorney General.  
25 2. James M. Amen ("Respondent") is represented in this proceeding by attorney John C.  
26 McCarron, Esq., whose address is Stern, Van Vleck & McCarron, LL, 925 L Street, Suite 850,  
27 Sacramento, CA, 95814.  
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3. On or about August 3, 2007, the Office of Real Estate Appraisers (“OREA”) issued Real Estate Appraiser License No. AR038300 to Respondent. The Real Estate Appraiser License was in full force and effect at all times relevant to the charges brought in Accusation Case No. C090225-01, Case No. C090616-07, and Case No. C090728-11 and will expire on September 15, 2011, unless renewed.

## JURISDICTION

4. Accusation Case No. C090225-01, Case No. C090616-07, and Case No. C090728-11 was filed before the Director of the OREA ("Director") and is currently pending against Respondent. Accusation Case No. C090225-01, Case No. C090616-07, and Case No. C090728-11 and all other statutorily required documents were properly served on Respondent on April 4, 2011. Respondent timely filed his Notice of Defense contesting Accusation Case No. C090225-01, Case No. C090616-07, and Case No. C090728-11. A true and correct copy of Accusation Case No. C090225-01, Case No. C090616-07, and Case No. C090728-11 is attached hereto, marked Exhibit A, and incorporated herein by reference.

## **ADVISEMENT AND WAIVERS**

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation Case No. C090225-01, Case No. C090616-07, and Case No. C090728-11. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order (“Stipulated Surrender”).

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in Accusation Case No. C090225-01, Case No. C090616-07, and Case No. C090728-11; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

8. Respondent agrees that at a hearing, Complainant could establish a factual basis for the charges and allegations in Accusation Case No. C090225-01, Case No. C090616-07, and Case No. C090728-11. Respondent hereby surrenders his Real Estate Appraiser License No. AR038300 for the Director's formal acceptance.

9. Respondent understands that by signing this Stipulated Surrender he enables the Director to issue his order accepting the surrender of his Real Estate Appraiser License without further process.

## RESERVATION

10. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Director of the Office of Real Estate Appraisers or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

## CONTINGENCY

11. This Stipulated Surrender shall be subject to approval by the Director of OREA or designee. Respondent understands and agrees that counsel for Complainant and the staff of the OREA may communicate directly with the Director regarding this Stipulated Surrender, without notice to or participation by Respondent or his counsel. By signing this Stipulated Surrender, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the Stipulated Surrender prior to the time the Director considers and acts upon it. If the Director fails to adopt this Stipulated Surrender as the Decision and Order, this Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Director shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Director may, without further notice or formal proceeding, issue and enter the following Order:

**ORDER**

**IT IS HEREBY ORDERED** that Real Estate Appraiser License No. AR038300, issued to Respondent James M. Amen ("Respondent"), is surrendered and accepted by the Director of the Office of Real Estate Appraisers ("OREA").

1. The surrender of Respondent's Real Estate Appraiser License and the acceptance of the surrendered license by the Director shall constitute the imposition of discipline against Respondent. This Stipulated Surrender of License and Order ("Stipulated Surrender") constitutes a record of the discipline and shall become a part of Respondent's license history with the Director.

2. Respondent shall lose all rights and privileges as a Real Estate Appraiser in California as of the effective date of the Director's Decision and Order.

3. Respondent shall cause to be delivered to the Director his license certificate on or before the effective date of the Decision and Order.

4. Respondent's future application for licensure, if any, shall be treated by the Director as an application for licensure. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the application is filed, and

1 all of the charges and allegations contained in Accusation Case No. C090225-01, Case No.  
2 C090616-07, and Case No. C090728-11 shall be deemed to be true, correct and admitted by  
3 Respondent when the Director determines whether to grant or deny the application.

4 5. If Respondent's application for license is granted, then he shall pay to the Director  
5 prior to the issuance of the license, all costs associated with its investigation, enforcement, and  
6 prosecution pursuant to Business and Professions Code section 11409 in the amount of  
7 \$19,434.50. Said costs shall be immediately due and payable in one lump sum prior to issuance  
8 of the license.

9 6. If Respondent should ever apply or re-apply for a new license or certification by any  
10 other licensing agency in the State of California, all of the charges and allegations contained in  
11 Accusation Case No. C090225-01, Case No. C090616-07, and Case No. C090728-11 shall be  
12 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of  
13 Issues or any other proceeding seeking to deny or restrict licensure.

14 **ACCEPTANCE**

15 I have carefully read the above Stipulated Surrender of License and Order and have fully  
16 discussed it with my attorney, John C. McCarron, Esq. I understand the stipulation and the effect  
17 it will have on my Real Estate Appraiser License. I enter into this Stipulated Surrender of  
18 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
19 Decision and Order of the Director of the Office of Real Estate Appraisers.

20 ***Original Signed***

21 DATED: 1/13/12

JAMES M. AMEN  
Respondent

23 I have read and fully discussed with Respondent James M. Amen the terms and conditions  
24 and other matters contained in this Stipulated Surrender of License and Order. I approve its form  
25 and content.

26 ***Original Signed***

26 DATED: 1/13/12

JOHN C. McCARRON, ESQ.  
Attorney for Respondent

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**ENDORSEMENT**

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
for consideration by the Director of the Office of Real Estate Appraisers.

DATED: 1-13-2012

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
ARTHUR D. TAGGART  
Supervising Deputy Attorney General



***Original Signed***



Deputy Attorney General  
*Attorneys for Complainant*

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## **Exhibit A**

**Accusation Case Nos. C090225-01, C090616-07, C090728-11**

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 LESLIE A. BURGERMYER  
Deputy Attorney General  
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13 Sacramento, CA 95826

Case No. C090616-07

Case No. C090728-11

14 Real Estate Appraiser  
15 License No. AR038300

**A C C U S A T I O N**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Elizabeth Seaters, acting on behalf of the Office of Real Estate Appraisers  
21 ("Complainant"), brings this Accusation solely in her official capacity as a Supervising Property  
22 Appraiser Investigator for Complainant.

23 2. On or about August 3, 2007, the Director of the OREA issued Real Estate Appraiser  
24 License Number AR038300 to James M. Amen ("Respondent"). The Real Estate Appraiser  
25 License was in full force and effect at all times relevant to the charges brought herein and will  
26 expire on September 15, 2011, unless renewed.

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## STATUTORY PROVISIONS

3. This Accusation is brought before the Director of the OREA, under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

4. Code **section 11313** states, in pertinent part:

The office [Office of Real Estate Appraisers] is under the supervision and control of the secretary [of the Business, Transportation and Housing Agency]. The duty of enforcing and administering this part is vested in the director [of the Office of Real Estate Appraisers] and he or she is responsible to the secretary therefore. The director shall adopt and enforce rules and regulations as are determined reasonably necessary to carry out the purposes of this part.

5. Code **section 11314** states, in pertinent part, that the OREA is required to include in its regulations requirements for licensure and discipline of real estate appraisers that ensure protection of the public.

6. Code **section 11319** states:

Notwithstanding any other provision of this code, the Uniform Standards of Professional Appraisal Practice [USPAP] constitute the minimum standard of conduct and performance for a licensee in any work or service performed that is addressed by those standards. If a licensee also is certified by the Board of Equalization, he or she shall follow the standards established by the Board of Equalization when fulfilling his or her responsibilities for assessment purposes.

7. Code **section 11328** states, in pertinent part:

To substantiate documentation of appraisal experience, or to facilitate the investigation of illegal or unethical activities by a licensee, applicant, or other person acting in a capacity that requires a license, that licensee, applicant, or person shall, upon the request of the director, submit copies of appraisals, or any work product which is addressed by the Uniform Standards of Professional Appraisal Practice [USPAP], and all supporting documentation and data to the office.

## REGULATORY PROVISIONS

8. California Code of Regulations, title 10, **section 3701** states:

Every holder of a license under this part shall conform to and observe the Uniform Standards of Professional Appraisal Practice (USPAP) and any subsequent amendments thereto as promulgated by the Appraisal Standards Board of The Appraisal Foundation which standards are herein incorporated into these regulations by reference as if fully set forth herein.

1 9. California Code of Regulations, title 10, **section 3702** provides in pertinent part:

2 (a) The Director finds and declares as follows:

3 (1) That the profession of real estate appraisal is vested with a  
4 fiduciary relationship of trust and confidence as to clients, lending institutions,  
5 and both public and private guarantors or insurers of funds in federally-related  
6 real estate transactions and that the qualifications of honesty, candor, integrity,  
7 and trustworthiness are directly and substantially related to and indispensable to  
8 the practice of the appraisal profession;

9 (3) Every holder of a license to practice real estate appraisal,  
10 Registrant, Controlling Person of an Appraisal Management Company, or person  
11 or entity acting in a capacity requiring a license or Certificate of Registration shall  
12 be required to demonstrate by his or her conduct that he or she possesses the  
13 qualifications of honesty, candor, integrity, and trustworthiness.

14 10. California Code of Regulations, title 10, **section 3721** states, in pertinent part:

15 (a) The Director may issue a citation, order of abatement, assess a fine  
16 or private or public reproof, suspend or revoke any license or Certificate of  
17 Registration, and/or may deny the issuance or renewal of a license or Certificate  
18 of Registration of any person or entity acting in a capacity requiring a license or  
19 Certificate of Registration who has:

20 (2) Done any act involving dishonesty, fraud or deceit with the  
21 intent to benefit himself or another, or to injure another;

22 (4) Done any act which if done by the holder of a license to  
23 practice real estate appraisal would be grounds for revocation or suspension of  
24 such license;

25 (5) Knowingly made a false statement of material fact required to  
26 be disclosed in an application for a license authorizing the practice of real estate  
27 appraisal;

28 (6) Violated any provision of USPAP;

(7) Violated any provision of the Real Estate Appraisers' Licensing  
and Certification Law, Part 3 (commencing with Section 11300) of Division 4 of  
the Business and Professions Code, or regulations promulgated pursuant thereto;  
or any provision of the Business and Professions Code applicable to applicants for  
or holders of licenses authorizing appraisals;

11. California Code of Regulations, title 10, **section 3722** states, in  
pertinent part:

(b) An act or crime shall be deemed to be substantially related to the  
functions, duties or qualifications of an appraiser if it involves any willful  
violation of the Real Estate Appraisers' Licensing and Certification Act or  
provisions of the Business and Professions Code applicable to appraisers.

1 (c) The weight to be accorded to a substantially related crime or act  
under (a) or (b) shall be determined by application of the following standards:

2 (6) The probability that the questioned acts or omissions will  
3 continue or be repeated;

4 12. California Code of Regulations, title 10, **section 3568** states, in pertinent part:

5 (e) The supervising appraiser must:

6 (4) Review and initial each page of the trainee's Log of Appraisal  
7 Experience Form REA 3004 (Rev. 5/8/08) and verify under penalty of perjury  
that the work was completed under his/her supervision.

8 **USPAP RULES**

9 13. USPAP **Standards Rule 1-1** states:

10 In developing a real property appraisal, an appraiser must:

11 (a) be aware of, understand, and correctly employ those recognized  
12 methods and techniques that are necessary to produce a credible appraisal;

13 (b) not commit a substantial error of omission or commission that  
significantly affects an appraisal; and

14 (c) not render appraisal services in a careless or negligent manner, such  
15 as by making a series of errors that, although individually might not significantly  
16 affect the results of an appraisal, in the aggregate affect the credibility of those  
results.

17 14. USPAP **Standards Rule 1-2** states, in pertinent part:

18 In developing a real property appraisal, an appraiser must:

19 (e) identify the characteristics of the property that are relevant to the type  
20 and definition of value and intended use of the appraisal, including:

21 (i) its location and physical, legal, and economic attributes;

22 (f) identify any extraordinary assumptions necessary in the assignment;

23 (h) determine the scope of work necessary to produce credible  
assignment results in accordance with the SCOPE OF WORK RULE.

24 15. USPAP **Standards Rule 1-3** states:

25 When necessary for credible assignment results in developing a market  
26 value opinion, the appraiser must:

27 (a) identify and analyze the effect on use and value of existing land use  
28 regulations, reasonably probable modifications of such land use regulations,  
economic supply and demand, the physical adaptability of the real estate, and  
market area trends; and

1 (b) develop an opinion of the highest and best use of the real estate.

2 16. USPAP **Standard Rule 1-4** states:

3 In developing a real property appraisal, an appraiser must collect, verify,  
4 and analyze all information necessary for credible assignment results.

5 (a) When a sales comparison approach is necessary for credible  
6 assignment results, an appraiser must analyze such comparable sales data as are  
7 available to indicate a value conclusion.

8 (c) When an income approach is necessary for credible assignment  
9 results, an appraiser must:

10 (i) analyze such comparable rental data as are available and/or the  
11 potential earnings capacity of the property to estimate the gross income potential  
12 of the property;

13 (iv) base projections of future rent and/or income potential and  
14 expenses on reasonably clear and appropriate evidence.

15 17. USPAP **Standard Rule 1-6** states, in pertinent part:

16 In developing a real property appraisal, the appraiser must:

17 (b) reconcile the applicability and relevance of the approaches,  
18 methods and techniques used to arrive at the value conclusion(s).

19 18. USPAP **Standards Rule 2** states:

20 In reporting the results of a real property appraisal, an appraiser must  
21 communicate each analysis, opinion, and conclusion in a manner that is not  
22 misleading.

23 19. USPAP **Standards Rule 2-1** states:

24 Each written or oral real property appraisal report must:

25 (a) clearly and accurately set forth the appraisal in a manner that will not  
26 be misleading.

27 (b) contain sufficient information to enable the intended users of the  
28 appraisal to understand the report properly; and

(c) clearly and accurately disclose all assumptions, any extraordinary  
assumptions, hypo-thetical conditions, and limiting conditions used in the  
assignment.

20. USPAP **Standards Rule 2-2** states, in pertinent part:

Each written real property appraisal report must be prepared under  
one of the following three options and prominently state which option is

used: Self-Contained Appraisal Report, Summary Appraisal Report, or Restricted Use Appraisal Report.

(b) The content of a Summary Appraisal Report must be consistent with the intended use of the appraisal and, at a minimum:

(iii) summarize information sufficient to identify the real estate involved in the appraisal, including the physical and economic property characteristics relevant to the assignment;

(vii) summarize the scope of work used to develop the appraisal;

(viii) summarize the information analyzed, the appraisal methods and techniques employed, and the reasoning that supports the analyses, opinions, and conclusions; exclusion of the sales comparison approach, cost approach, or income approach must be explained;

(ix) state the use of the real estate existing as of the date of value and the use of the real estate reflected in the appraisal; and, when an opinion of highest and best use was developed by the appraiser, describe the support and rationale for that opinion;

(x) clear and conspicuously:

- state all extraordinary assumptions and hypothetical conditions;

and

- state that there might have affected the assignment results;

and

21. USPAP **Standards Rule 2-3** states:

Each written real property appraisal report must contain a signed certification that is similar in content to the following form:

I certify that, to the best of my knowledge and belief:

- the statements of fact contained in this report are true and correct.
- the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no (or the specified) present or prospective interest in the property that is the subject of this report and no (or the specified) personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- my engagement in this assignment was not contingent upon developing or reporting predetermined results.
- my compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- my analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the *Uniform Standards of Professional Appraisal Practice*.

- I have (or have not) made a personal inspection of the property that is the subject of this report. (If more than one person signs this certification, the certification must clearly specify which individuals did and which individuals did not make a personal inspection of the appraised property.)
- no one provided significant real property appraisal assistance to the person signing this certification. (If there are exceptions, the name of each individual providing significant real property appraisal assistance must be stated.)"

22. The **Ethics Rule** of USPAP states, in pertinent part:

To promote and preserve the public trust inherent in professional appraisal practice, an appraiser must observe the highest standards of professional ethics. This ETHICS RULE is divided into four sections: Conduct, Management, Confidentiality, and Record Keeping. The first three sections apply to all appraisal practice, and all four sections apply to appraisal practice performed under Standards 1 through 10.

Compliance with these standards is required when either the service or the appraiser is obligated by law or regulation, or by agreement with the client or intended users, to comply. In addition to these requirements, an individual should comply any time that individual represents that he or she is performing the service as an appraiser.

An appraiser must not misrepresent his or her role when providing valuation services that are outside of appraisal practice.

**Conduct:**

An appraiser must perform assignments ethically and competently, in accordance with USPAP and any supplemental standards agreed to by the appraiser in accepting the assignment. An appraiser must not engage in criminal conduct. An appraiser must perform assignments with impartiality, objectivity, and independence, and without accommodation of personal interests.

In appraisal practice, an appraiser must not perform as an advocate for any party or issue.

An appraiser must not accept an assignment that includes the reporting of predetermined opinions and conclusions.

An appraiser must not communicate results in a misleading or fraudulent manner. An appraiser must not use or communicate a misleading or fraudulent report or knowingly permit an employee or other person to communicate a misleading or fraudulent report.

An appraiser must not use or rely on unsupported conclusions relating to characteristics such as race, color, religion, national origin, gender, marital status, familial status, age, receipt of public assistance income, handicap, or an unsupported conclusion that homogeneity of such characteristics is necessary to maximize value.

23. The **Competency Rule** of USPAP states:

Prior to accepting an assignment or entering into an agreement to perform any assignment, an appraiser must properly identify the problem to be addressed and have the knowledge and experience to complete the assignment competently; or alternatively, must:

1. disclose the lack of knowledge and/or experience to the client before accepting the assignment;
2. take all steps necessary or appropriate to complete the assignment competently; and
3. describe the lack of knowledge and/or experience and the steps taken to complete the assignment competently in the report.

24. The **Scope of Work Rule** of USPAP states:

For each appraisal, appraisal review, and appraisal consulting assignment, an appraiser must:

1. Identify the problem to be solved;
2. Determine and perform the scope of work necessary to develop credible assignment results; and
3. Discuss the scope of work in the report.

An appraiser must properly identify the problem to be solved in order to determine the appropriate scope of work. The appraiser must be prepared to demonstrate that the scope of work is sufficient to produce credible assignment results.

#### **Problem Identification**

An appraiser must gather and analyze information about those assignment elements that are necessary to properly identify the appraisal, appraisal review or appraisal consulting problem to be solved.

#### **Scope of Work Acceptability**

The scope of work must include the research and analyses that are necessary to develop credible assignment results.

An appraiser must not allow assignment conditions to limit the scope of work to such a degree that the assignment results are not credible in the context of the intended use.

An appraiser must not allow the intended use of an assignment or a client's objectives to cause the assignment results to be biased.

#### **Disclosure Obligations**

The report must contain sufficient information to allow intended users to understand the scope of work performed.

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1 **COST RECOVERY**

2 25. Code section 11409, subdivision (a) states:

3 Except as otherwise provided by law, any order issued in resolution of a  
4 disciplinary proceeding may direct a licensee, applicant for licensure, person who  
5 acts in a capacity that requires a license under this part, course provider, applicant  
6 for course provider accreditation, or a person who, or entity that, acts in a capacity  
7 that requires course provider accreditation found to have committed a violation or  
violations of statutes or regulations relating to real estate appraiser practice to pay  
a sum not to exceed the reasonable costs of investigation, enforcement, and  
prosecution of the case.

8 **PROPERTY #1: 3940 K STREET, SACRAMENTO**

9 26. On or about January 12, 2009, Respondent completed a real estate Appraisal Report  
10 for the property located at 3940 K Street, Sacramento, California, (Property #1) with the  
11 concluded value of \$515,000.00. The inspection of Property #1 had been performed by  
12 Respondent's trainee L.H. on December 15, 2008. Property #1 was originally built in 1920 as a  
13 single-family residential home. On or about 1946, a portion of the full basement was converted  
14 into living area (a portion of which is below grade). On the date of the appraisal, the converted  
15 full basement was utilized as a secondary unit by the owner's family member. Property #1  
16 consists of four bedrooms and two and one-half bathrooms and the finished basement consists of  
17 two bedrooms and one bathroom. Portions of Property #1's attic were converted at various  
18 unknown dates. Property #1 has a rear addition to the first and second (attic) levels which are  
19 unpermitted. Respondent inaccurately measured and unreliably reported Property #1 to have a  
20 gross living area of 2,351 square feet. He measured the finished basement at 777 square feet.  
21 The lot size was 7,518 square feet. The intended use of the Appraisal Report for Property #1 was  
22 for refinancing purposes.

23 **FIRST CAUSE FOR DISCIPLINE**

24 (Failure to Identify Property #1's Characteristics)

25 27. Respondent's license is subject to disciplinary action pursuant to Regulations section  
26 3721, subdivision (a)(6), on the grounds he violated USPAP Standards Rules sections 1-2(e)(i)  
27 and 2-2(b)(iii), and Competency Rule in that:

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- 1 a. Respondent failed to accurately measure and report Property #1's gross living  
2 area.
- 3 b. Respondent failed to disclose that Property #1 had a full basement.
- 4 c. Respondent failed to disclose and analyze that Property #1's basement was  
5 below grade and had been converted into a secondary unit.
- 6 d. Respondent failed to disclose that Property #1's converted basement was  
7 unpermitted.
- 8 e. Respondent failed to disclose the size of Property #1's unfinished basement  
9 area.
- 10 f. Respondent failed to disclose and analyze Property #1's unpermitted attic  
11 conversion.
- 12 g. Respondent failed to disclose and analyze Property #1's unpermitted two-story  
13 rear addition.

#### 14 **SECOND CAUSE FOR DISCIPLINE**

15 (False Certification: Inspection of Interior of Property #1)

16 28. Respondent's license is subject to disciplinary action pursuant to Regulations section  
17 3721, subdivision (a)(6), on the grounds he violated USPAP Standards Rules sections 1-2(h), 2-  
18 2(b)(vii), 2-3, the Conduct section of Ethics Rule, and Scope of Work Rule in that Respondent  
19 falsely certified that he inspected the interior of Property #1 on December 15, 2008, when he did  
20 not.

#### 21 **THIRD CAUSE FOR DISCIPLINE**

22 (Failure to Name Individual Performing Significant  
23 Real Property Appraisal Assistance)

24 29. Respondent's license is subject to disciplinary action pursuant to Regulations section  
25 3721, subdivision (a)(6), on the grounds he violated USPAP Standards Rules sections 1-2(h), 2-  
26 2(b)(vii), and 2-3, in that Respondent failed to recognize the significant professional assistance  
27 provided in the preparation of the appraisal report by trainee L.H.

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1 2-2(b)(viii), in that Respondent failed to reconcile the applicability and relevance of the  
2 approaches to value, including the Income Approach, which was flawed due to unsupported  
3 market rent.

4 **ELEVENTH CAUSE FOR DISCIPLINE**

5 (Failure to Produce a Credible Appraisal Report)

6 37. Respondent's license is subject to disciplinary action pursuant to Regulations section  
7 3721, subdivision (a)(6), on the grounds he violated USPAP Standards Rules sections 1-1(a) in  
8 that in the Appraisal Report, Respondent failed to correctly employ those recognized methods  
9 and techniques necessary to produce a credible appraisal report as alleged in paragraphs 27.a  
10 through 27.f, 28, 29, 29, 30, 31, 32, 34.a through 34.g, 35, and 36, above, incorporated herein by  
11 reference.

12 **TWELFTH CAUSE FOR DISCIPLINE**

13 (Substantial Errors or Commissions in the Appraisal Report)

14 38. Respondent's license is subject to disciplinary action pursuant to Regulations section  
15 3721, subdivision (a)(6), on the grounds he violated USPAP Standards Rules section 1-1(b), in  
16 that in developing the appraisal for Property #1, Respondent committed substantial errors of  
17 omission or commission affecting the credibility of the report for Property #1, as alleged in  
18 paragraphs 27.b through 27.f, 28, 29, 30, 31, 33, 34.a, 34.b and 34.e, and 35, above, incorporated  
19 herein by reference.

20 **THIRTEENTH CAUSE FOR DISCIPLINE**

21 (Series of Errors Affecting Credibility of Appraisal Report)

22 39. Respondent's license is subject to disciplinary action pursuant to Regulations section  
23 3721, subdivision (a)(6), on the grounds he violated USPAP Standards Rules section 1-1(c) in  
24 that Respondent committed a series of errors affecting the credibility of the report as alleged in  
25 paragraphs 27.a, 34.c, 34.d, and 34.g, and 36, above, incorporated herein by reference.

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1 **FOURTEENTH CAUSE FOR DISCIPLINE**

2 (Misleading Appraisal Report)

3 40. Respondent's license is subject to disciplinary action pursuant to Regulations section  
4 3721, subdivision (a)(6), on the grounds he USPAP Standards Rules section 2-1(a) in that in  
5 addition to completing his Appraisal Report on an inappropriate appraisal form, Respondent  
6 failed to clearly and accurately set forth the appraisal in a manner that would not be misleading,  
7 as alleged in paragraphs 27.a through 27.f, 28, 29, 30, 31, 32, 33, 34.a through 34.g, 35, and 36,  
8 above, incorporated herein by reference.

9 **FIFTEENTH CAUSE FOR DISCIPLINE**

10 (Failure to Provide Sufficient Information in Appraisal Report)

11 41. Respondent's license is subject to disciplinary action pursuant to Regulations section  
12 3721, subdivision (a)(6), on the grounds he violated USPAP Standards Rules section 2-1(b) in  
13 that Respondent failed to provide sufficient information in the report for Property #1 to enable  
14 the intended users of the report to understand it properly, as alleged in paragraphs 27.a through  
15 27.f, 28, 29, 30, 31, 32, 33, 34.a through 34.g, 35, and 36, above, incorporated herein by  
16 reference.

17 **SIXTEENTH CAUSE FOR DISCIPLINE**

18 (Incompetence)

19 42. Respondent's license is subject to disciplinary action pursuant to Regulations section  
20 3721, subdivision (a)(6), on the grounds he violated the USPAP Competency Rule in that  
21 Respondent committed the acts, omissions, and commissions as alleged in paragraphs 27.a, 34.c  
22 through 34.d and 34.g, and 36, above, incorporated herein by reference.

23 **SEVENTEENTH CAUSE FOR DISCIPLINE**

24 (Unprofessional Conduct)

25 43. Respondent's license is subject to disciplinary action pursuant to Regulations section  
26 3721, subdivision (a)(6), on the grounds he violated the Conduct Section of the USPAP Ethics  
27 Rule in providing unprofessional services and failing to appropriately supervise trainee L.H., in  
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1 that Respondent committed misconduct as alleged in paragraphs 27.b through 27.f, 28, 29, 30,  
2 31, 32, 33, 34.a, 34.b, 34.e, 34.f, 35, and 36, above, incorporated herein by reference.

3 **PROPERTY #2: 4125 CALIGIURI CANYON ROAD, VACAVILLE**

4 44. On or about May 29, 2009, Respondent completed a real estate Appraisal Report for  
5 the property located at 4125 Caligiuri Canyon Road, Vacaville, California, (Property #2) with a  
6 concluded value of \$735,000.00. Property #2 was inspected on May 22, 2009, by trainee S.S.  
7 Property #2 consists of a single-family residential home with three bedrooms and three and one-  
8 half bathrooms, 3,343 square feet of gross living area, on 2.5 acres. The intended use of the  
9 Appraisal Report was for refinancing purposes.

10 **EIGHTEENTH CAUSE FOR DISCIPLINE**

11 (False Certification: Inspection of Interior of Property #2)

12 45. Respondent's license is subject to disciplinary action pursuant to Regulations section  
13 3721, subdivision (a)(6), on the grounds he violated USPAP Standards Rule sections 1-2(h), 2-  
14 2(b)(vii), 2-3, the Conduct section of Ethics Rule, and the Scope of Work Rule in that  
15 Respondent falsely certified that he inspected the interior of the Property #2 when he did not.

16 **NINETEENTH CAUSE FOR DISCIPLINE**

17 (Failure to Name Individual Performing Significant  
18 Real Property Appraisal Assistance)

19 46. Respondent's license is subject to disciplinary action pursuant to Regulations section  
20 3721, subdivision (a)(6), on the grounds he violated USPAP Standards Rule sections 1-2(h), 2-  
21 2(b)(vii), 2-3, the Conduct section of Ethics Rule, and the Scope of Work Rule in that  
22 Respondent failed to appropriately disclose the professional assistance provided in the  
23 preparation of the report by S.S.

24 **TWENTIETH CAUSE FOR DISCIPLINE**

25 (Failure to Produce a Credible Appraisal Report)

26 47. Respondent's license is subject to disciplinary action pursuant to Regulations section  
27 3721, subdivision (a)(6), on the grounds he violated USPAP Standards Rules sections 1-1(a) in  
28 that in the Appraisal Report, Respondent failed to correctly employ those recognized methods

1 and techniques necessary to produce a credible appraisal report as alleged in paragraphs 45 and  
2 46, incorporated herein by reference.

3 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

4 (Commission of Substantial Errors of Omission or Commission)

5 48. Respondent's license is subject to disciplinary action pursuant to Regulations section  
6 3721, subdivision (a)(6), on the grounds he violated USPAP Standards Rule section 1-1(b) in  
7 that Respondent committed substantial errors of omission or commission affecting the credibility  
8 of the appraisal, as alleged in paragraphs 45 and 46, above, incorporated herein by reference.

9 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

10 (Misleading Appraisal Report)

11 49. Respondent's license is subject to disciplinary action pursuant to Regulations section  
12 3721, subdivision (a)(6), on the grounds he violated USPAP Standards Rule section 2-1(a) in that  
13 Respondent failed to clearly and accurately set forth the appraisal in a manner that would not be  
14 misleading, as alleged in paragraphs 45 and 46, above, incorporated herein by reference.

15 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

16 (Failure to Provide Sufficient Information in Appraisal Report)

17 50. Respondent's license is subject to disciplinary action pursuant to Regulations section  
18 3721, subdivision (a)(6), on the grounds he violated USPAP Standards Rule section 2-1(b) in  
19 that Respondent failed to provide sufficient information to enable the intended users of the report  
20 to understand it properly, as alleged in paragraphs 45 and 46, above, incorporated herein by  
21 reference.

22 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

23 (Unprofessional Conduct)

24 51. Respondent's license is subject to disciplinary action pursuant to Regulations section  
25 3721, subdivision (a)(6), on the grounds he violated the Conduct Section of the USPAP Ethics  
26 Rule in providing unprofessional services, as alleged in paragraphs 45 and 46, above,  
27 incorporated herein by reference.

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1                   **PROPERTY #3: 11032 NEW RIVER CIRCLE, RANCHO CORDOVA**

2                   52. On or about February 17, 2009, Respondent completed a real estate Appraisal Report  
3 for the property located at 11032 New River Circle, Rancho Cordova, California, (Property #3)  
4 with a concluded value of \$240,000.00. Respondent's trainee, S.S., and an unidentified trainee  
5 appraiser performed an inspection of Property #3 on February 13, 2009. Property #3 is a single-  
6 family residential home, with three bedrooms, two bathrooms, and 1,319 square feet of gross  
7 living area. The intended use of the Appraisal Report was for refinancing purposes.

8                   **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

9                   (False Certification: Inspection of Interior of Property #3)

10                  53. Respondent's license is subject to disciplinary action pursuant to Regulations section  
11 3721, subdivision (a)(6), on the grounds he violated USPAP Standards Rule sections 1-2(h), 2-  
12 2(b)(vii), 2-3, the Conduct section of Ethics Rule, and the Scope of Work Rule in that  
13 Respondent falsely certified that he inspected the interior of Property #3 when he did not.

14                  **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

15                  (Failure to Name Individual Performing Significant  
16 Real Property Appraisal Assistance)

17                  54. Respondent's license is subject to disciplinary action pursuant to Regulations section  
18 3721, subdivision (a)(6), on the grounds he violated USPAP Standards Rules sections 1-2(h), 2-  
19 2(b)(vii), 2-3, and the Scope of Work Rule in that Respondent failed to appropriately disclose the  
20 professional assistance in the preparation of the report by S.S.

21                  **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

22                  (Failure to Employ Recognized Methods and Techniques)

23                  55. Respondent's license is subject to disciplinary action pursuant to Regulations section  
24 3721, subdivision (a)(6), on the grounds he violated USPAP Standards Rule sections 1-1(a), in  
25 that Respondent failed to correctly employ those recognized methods and techniques necessary  
26 to produce a credible report, as alleged in paragraphs 53 and 54, above, incorporated herein by  
27 reference.

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1                                    **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

2                                    (Commission of Substantial Errors of Omission or Commission)

3                    56. Respondent's license is subject to disciplinary action pursuant to Regulations section  
4                    3721, subdivision (a)(6), on the grounds he violated USPAP Standards Rule section 1-1(b) in  
5                    that Respondent committed substantial errors of omission or commission affecting the credibility  
6                    of the appraisal, as alleged in paragraphs 53 and 54, above, incorporated herein by reference.

7                                    **TWENTY-NINTH CAUSE FOR DISCIPLINE**

8                                    (Misleading Appraisal Report)

9                    57. Respondent's license is subject to disciplinary action pursuant to Regulations section  
10                    3721, subdivision (a)(6), on the grounds he violated USPAP Standards Rule section 2-1(a) in that  
11                    Respondent failed to clearly and accurately set forth the appraisal in a manner that would not be  
12                    misleading, as alleged in paragraphs 53 and 54, above, incorporated herein by reference.

13                                   **THIRTIETH CAUSE FOR DISCIPLINE**

14                                   (Failure to Provide Sufficient Information in Appraisal Report)

15                    58. Respondent's license is subject to disciplinary action pursuant to Regulations section  
16                    3721, subdivision (a)(6), on the grounds he violated USPAP Standards Rule section 2-1(b) in  
17                    that Respondent failed to provide sufficient information to enable the intended users of the report  
18                    to understand it properly, as alleged in paragraphs 53 and 54, above, incorporated herein by  
19                    reference.

20                                   **THIRTY-FIRST CAUSE FOR DISCIPLINE**

21                                   (Unprofessional Conduct)

22                    59. Respondent's license is subject to disciplinary action pursuant to Regulations section  
23                    3721, subdivision (a)(6), on the grounds he violated the Conduct Section of the USPAP Ethics  
24                    Rule in providing appraisal services, as alleged in paragraphs 53 and 54, above, incorporated  
25                    herein by reference.

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1                                   **THIRTY-SECOND CAUSE FOR DISCIPLINE**

2                                   (False Certification: Log of Appraisal Experience - Supervision)

3           60. Respondent's license is subject to disciplinary action pursuant to Regulations section  
4 3721, subdivisions (a)(2), (a)(4), (a)(5), and (a)(7), section 3722, subdivision (c)(6), 3702,  
5 subdivisions (a)(1) and (a)(3), and section 3568, subdivision (e)(4), in that on or about April 14,  
6 2009, he signed under penalty of perjury a misleading and false certification for the Log of  
7 Appraisal Experience for residential upgrade applicant S.S. regarding his scope of supervision  
8 and appraisal review in the Log of Appraisal for S.S.

9                                   **THIRTY-THIRD CAUSE FOR DISCIPLINE**

10                                  (False Certification: Log of Appraisal Experience – Intended User)

11           61. Respondent's license is subject to disciplinary action pursuant to Regulations section  
12 3721, subdivision (a)(5), on the grounds he violated section 3568, subdivision (e)(4), and section  
13 3702, subdivisions (a)(1) and (a)(3), in that on or about April 14, 2009, Respondent signed under  
14 penalty of perjury a misleading and false certification for the Log of Appraisal Experience for  
15 trainee appraiser S.S. that his own appraisal business, California Property Appraisals, was the  
16 intended user of the Appraisal Report.

17                                  **PROPERTY #4: 9636 SEA CLIFF, ELK GROVE**

18           62. On or about February 19, 2009, Respondent completed a real estate Appraisal Report  
19 for the property located at 9636 Sea Cliff Way, Elk Grove, California, (Property #4), with the  
20 concluded value of \$265,000.00. Property #4 is a single-family residential home located on a  
21 5,880 square foot lot with four bedrooms, two bathrooms, and 2,198 square feet of gross living  
22 area. Property #4 was inspected on or about February 13, 2009, by Respondent's trainee S.S.  
23 The intended use of the Appraisal Report was for a purchase transaction purpose.

24                                  **THIRTY-FOURTH CAUSE FOR DISCIPLINE**

25                                  (False Certification: Log of Appraisal Experience - Supervision)

26           63. Respondent's license is subject to disciplinary action pursuant to Regulations section  
27 3721, subdivisions (a)(2), (a)(4), (a)(5), and (a)(7), section 3722, subdivision (c)(6), 3702,  
28 subdivisions (a)(1) and (a)(3), and section 3568, subdivision (e)(4), in that on or about April 14,

2009, he signed under penalty of perjury a misleading and false certification for the Log of Appraisal Experience for residential upgrade applicant S.S. regarding his scope of supervision and appraisal review in the Log of Appraisal for S.S.

**THIRTY-FIFTH CAUSE FOR DISCIPLINE**

(False Certification: Log of Appraisal Experience – Intended User)

64. Respondent's license is subject to disciplinary action pursuant to Regulations section 3721, subdivision (a)(5), on the grounds he violated section 3568, subdivision (e)(4), and section 3702, subdivisions (a)(1) and (a)(3), in that on or about April 14, 2009, Respondent signed under penalty of perjury a misleading and false certification for the Log of Appraisal Experience for trainee appraiser S.S. that his own appraisal business, California Property Appraisals, was the intended user of the Appraisal Report.

**PROPERTY #5: 160 NEWMAN STREET, SAN FRANCISCO**

65. On or about March 16, 2009, Respondent completed a real estate Appraisal Report for the property located at 160 Newman Street, San Francisco, California, (Property #5), with the concluded value of \$359,000.00. Property #5 is a single family residential home located on a 1,040 square foot lot with one bedroom, one bathroom, and 500 square feet of gross living area. Property #5 was inspected on or about March 10, 2009, by Respondent's trainee S.S. The intended use of the Appraisal Report was for refinancing purposes.

**THIRTY-SIXTH CAUSE FOR DISCIPLINE**

(Failure to Name Individual Performing Significant

Real Property Appraisal Assistance)

66. Respondent's license is subject to disciplinary action pursuant to Regulations section 3721, subdivision (a)(6), on the grounds he violated USPAP Standards Rules sections 1-2(h), 2-2(b)(vii), 2-3, and the Scope of Work Rule. in that Respondent's report failed to appropriately disclose the professional assistance in the preparation of the report by S.S.

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1 **THIRTY-SEVENTH CAUSE FOR DISCIPLINE**

2 (Failure to Cooperate with OREA Investigation)

3 67. Respondent's license is subject to disciplinary action pursuant to Regulations section  
4 3721, subdivision (a)(6), on the grounds he violated Code section 11328 when he provided an  
5 altered version of his report to the OREA, which was not the version of his report that was  
6 submitted to the lender.

7 **THIRTY-EIGHTH CAUSE FOR DISCIPLINE**

8 (Failure to Employ Recognized Methods and Techniques)

9 68. Respondent's license is subject to disciplinary action pursuant to Regulations section  
10 3721, subdivision (a)(6), on the grounds he violated USPAP Standards Rule sections 1-1(a), in  
11 that Respondent failed to correctly employ those recognized methods and techniques necessary  
12 to produce a credible Appraisal Report, as alleged in paragraphs 66 and 67, above, incorporated  
13 herein by reference.

14 **THIRTY-NINTH CAUSE FOR DISCIPLINE**

15 (Commission of Substantial Errors of Omission or Commission)

16 69. Respondent's license is subject to disciplinary action pursuant to Regulations section  
17 3721, subdivision (a)(6), on the grounds he violated USPAP Standards Rule section 1-1(b) in  
18 that Respondent committed substantial errors of omission or commission affecting the credibility  
19 of the appraisal, as alleged in paragraphs 66 and 67, above, incorporated herein by reference.

20 **FORTIETH CAUSE FOR DISCIPLINE**

21 (Misleading Appraisal Report)

22 70. Respondent's license is subject to disciplinary action pursuant to Regulations section  
23 3721, subdivision (a)(6), on the grounds he violated USPAP Standards Rule section 2-1(a) in that  
24 Respondent failed to clearly and accurately set forth the appraisal in a manner that would not be  
25 misleading, as alleged in paragraphs 66 and 67, above, incorporated herein by reference.

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1                                   **FORTY-FIRST CAUSE FOR DISCIPLINE**

2                                   (Failure to Provide Sufficient Information in Appraisal Report)

3               71. Respondent's license is subject to disciplinary action pursuant to Regulations section  
4 3721, subdivision (a)(6), on the grounds he violated USPAP Standards Rule section 2-1(b) in  
5 that Respondent failed to provide sufficient information to enable the intended users of the report  
6 to understand it properly, as alleged in paragraphs 66 and 67, above, incorporated herein by  
7 reference.

8                                   **FORTY-SECOND CAUSE FOR DISCIPLINE**

9                                   (Unprofessional Conduct)

10           72. Respondent's license is subject to disciplinary action pursuant to Regulations section  
11 3721, subdivision (a)(6), on the grounds he violated the Conduct Section of the USPAP Ethics  
12 Rule in providing appraisal services, as alleged in paragraphs 66 and 67, above, incorporated  
13 herein by reference.

14                                  **FORTY-THIRD CAUSE FOR DISCIPLINE**

15                                  (False Certification: Log of Appraisal Experience - Supervision)

16           73. Respondent's license is subject to disciplinary action pursuant to Regulations section  
17 3721, subdivisions (a)(2), (a)(4), (a)(5), and (a)(7), section 3722, subdivision (c)(6), 3702,  
18 subdivisions (a)(1) and (a)(3), and section 3568, subdivisions (e)(4), in that on or about April 14,  
19 2009, Respondent signed under penalty of perjury a misleading and false certification for the  
20 Log of Appraisal Experience for trainee appraiser S.S. regarding his scope of supervision and  
21 appraisal review in the Log of Appraisal for S.S.

22                                  **FORTY-FOURTH CAUSE FOR DISCIPLINE**

23                                  (False Certification: Log of Appraisal Experience – Intended User)

24           74. Respondent's license is subject to disciplinary action pursuant to Regulations section  
25 3721, subdivision (a)(6), in violation of section 3568, subdivision (e)(4), section 3722, sub-  
26 division (c)(6), and section 3702, subdivisions (a)(1) and (a)(3), in that on or about April 14,  
27 2009, Respondent signed under penalty of perjury a misleading and false certification for the  
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1 Log of Appraisal Experience for trainee appraiser S.S. that his own appraisal business, California  
2 Property Appraisals, was the intended user of the appraisal report.

3 **PROPERTY #6: 154 – 28TH STREET, #1, SAN FRANCISCO**

4 75. On or about March 18, 2009, Respondent completed a real estate Appraisal Report  
5 for the property located at 154 - 28th Street, #1, San Francisco, California, (Property #6), with a  
6 concluded value of \$1,132,000.00. Property #6 is a condominium consisting of four bedrooms,  
7 two bathrooms, and 2,147 square feet of gross living area. Property #6 was inspected on or  
8 about March 13, 2009, by Respondent's trainee S.S. Respondent concluded the appraised value  
9 of Property #6 was \$1,132,000.00. The intended use of the Appraisal Report was for refinancing  
10 purposes.

11 **FORTY-FIFTH CAUSE FOR DISCIPLINE**

12 (Failure to Name Individual Performing Significant  
13 Real Property Appraisal Assistance)

14 76. Respondent's license is subject to disciplinary action pursuant to Regulations section  
15 3721, subdivision (a)(6), on the grounds he violated USPAP Standards Rules sections 1-2(h), 2-  
16 2(b)(vii), 2-3, and the Scope of Work Rule in that the report failed to appropriately disclose the  
17 professional assistance in the preparation of the report by trainee S.S.

18 **FORTY-SIXTH CAUSE FOR DISCIPLINE**

19 (Failure to Cooperate with OREA Investigation)

20 77. Respondent's license is subject to disciplinary action pursuant to Regulations section  
21 3721, subdivision (a)(6), on the grounds he violated Code section 11328 when he provided an  
22 altered version of his appraisal report to the OREA, which was not the version of his appraisal  
23 report that was submitted to the lender.

24 **FORTY-SEVENTH CAUSE FOR DISCIPLINE**

25 (Failure to Employ Recognized Methods and Techniques)

26 78. Respondent's license is subject to disciplinary action pursuant to Regulations section  
27 3721, subdivision (a)(6), on the grounds he violated USPAP Standards Rule sections 1-1(a), in  
28 that Respondent failed to correctly employ those recognized methods and techniques necessary

1 to produce a credible report, as alleged in paragraphs 76 and 77, above, incorporated herein by  
2 reference.

3 **FORTY-EIGHTH CAUSE FOR DISCIPLINE**

4 (Commission of Substantial Errors of Omission or Commission)

5 79. Respondent's license is subject to disciplinary action pursuant to Regulations section  
6 3721, subdivision (a)(6), on the grounds he violated USPAP Standards Rule section 1-1(b) in  
7 that Respondent committed substantial errors of omission or commission affecting the credibility  
8 of the appraisal, as alleged in paragraphs 76 and 77, above, incorporated herein by reference.

9 **FORTY-NINTH CAUSE FOR DISCIPLINE**

10 (Misleading Appraisal Report)

11 80. Respondent's license is subject to disciplinary action pursuant to Regulations section  
12 3721, subdivision (a)(6), on the grounds he violated USPAP Standards Rule section 2-1(a) in that  
13 Respondent failed to clearly and accurately set forth the appraisal in a manner that would not be  
14 misleading, as alleged in paragraphs 76 and 77, above, incorporated herein by reference.

15 **FIFTIETH CAUSE FOR DISCIPLINE**

16 (Failure to Provide Sufficient Information in Appraisal Report)

17 81. Respondent's license is subject to disciplinary action pursuant to Regulations section  
18 3721, subdivision (a)(6), on the grounds he violated USPAP Standards Rule section 2-1(b) in  
19 that Respondent failed to provide sufficient information to enable the intended users of the report  
20 to understand it properly, as alleged in paragraphs 76 and 77, above, incorporated herein by  
21 reference.

22 **FIFTY-FIRST CAUSE FOR DISCIPLINE**

23 (Unprofessional Conduct)

24 82. Respondent's license is subject to disciplinary action pursuant to Regulations section  
25 3721, subdivision (a)(6), on the grounds he violated the Conduct Section of the USPAP Ethics  
26 Rule in providing unprofessional services, as alleged in paragraphs 76 and 77, above,  
27 incorporated herein by reference.

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disclosures. Respondent disregard the warning and continued to use "could have" in his disclosures. The Citation is now final and is incorporated by reference as if fully set forth herein.

**PRAYER**

**WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Director of the Office of Real Estate Appraisers issue a decision:

1. Revoking or suspending Real Estate Appraiser License Number AR038300, issued to James M. Amen;
2. Ordering James M. Amen to pay the Director of the Office of Real Estate Appraisers the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 11409; and,
3. Taking such other and further action as deemed necessary and proper.

***Original Signed***

DATED: 3/25/11

ELIZABETH SEATERS  
Supervising Property Appraiser Investigator  
Office of Real Estate Appraisers  
State of California  
*Complainant*

SA200931100